

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:11CR050 AGF
)	
CALDRA WILLIFORD,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION CONCERNING DETENTION

On January 6, 2011, the undersigned signed a complaint and issued a warrant for the arrest of the Defendant Williford for the charge of felon in possession of a firearm. On January 11, 2011, the Defendant was arrested in the Northern District of Texas, and brought before a United States Magistrate Judge for his initial appearance. The Magistrate Judge appointed the Federal Public Defender to represent the Defendant and held a hearing preliminary and detention hearing on January 12, 2011. By order dated January 12, 2011, the Magistrate Judge ordered the Defendant detained based on the Defendant's criminal history and parole status, finding that he is a flight risk and a danger to the community. Further, the Judge signed an order committing the Defendant to appear in this District in the custody of the United States Marshal.

The Defendant was returned to this District on February 7, 2011; made his initial appearance before the undersigned on that date, and a preliminary hearing and detention hearing were set before the undersigned on February 9, 2011. At the hearing, the undersigned noted that a preliminary and detention hearing had previously been held in Ft. Worth. The Government stated that, indeed, the preliminary and detention hearing had been conducted in the Court in Texas, and

further indicated that the Government would proceed before the Grand Jury and anticipated that an indictment would be filed the following week. Counsel for the Defendant stated that the Defendant would stand on the Pretrial Services report, but did request that the Court consider setting a bond in this matter. The undersigned finally noted that consideration would be given to Defendant's request, however, because the order of detention was issued previously, the undersigned would submit a report and recommendation on this issue for review by a District Judge. The undersigned further indicated to Defendant's counsel that, should the Defendant so desire, they would be given an opportunity to file additional pleadings on this issue. No additional pleadings were submitted on this issue.

A review of the Pretrial Services report prepared in the Ft. Worth office and the supplemental report prepared by the Pretrial Services Office in this district, as well as the order of detention filed by the Magistrate Judge in Ft. Worth, and the indictment in this matter, all lead the undersigned to conclude that the Defendant should be detained.

The Pretrial Services report from the Northern District of Texas reveals that the Defendant was convicted in March, 2001 in the City of St. Louis of the crime of unlawful use of a weapon. He was sentenced to three years probation, however, the probation was revoked on August 15, 2002, and the Defendant sentenced to two years confinement. This sentence was completed on July 23, 2004. On August 18, 2005, the Defendant was arrested in the City of St. Louis and charged with robbery second degree. On April 27, 2007, he was sentenced to seven years confinement on that offense. Further, on April 27, 2007, the Defendant was sentenced to seven years confinement for tampering with a motor vehicle; and four years confinement for resist/interfere felony arrest, property damage first degree, and leaving the scene of an accident. In addition, the Pretrial Services Report

reveals that the Defendant was arrested for numerous felony arrests, but no dispositions are apparently available. Further, the supplemental Pretrial Services report prepared in this District reveals that the Defendant is currently on parole in relation to the previous conviction of tampering first degree and robbery second degree. Supervision on these offenses commenced on March 30, 2009 by the Missouri Board of Probation and Parole, however, he was currently being supervised by the Texas Department of Corrections. On April 10, 2010, the Defendant was arrested by the St. Louis police department for the instant offenses as well as for charges arising in the state jurisdiction. Thus, the Defendant was returned to confinement for violations of his conditions of parole. Subsequently, on July 28, 2010, supervision was again commenced, and on August 2, 2010, the State of Texas assumed supervision of the Defendant, to conclude on June 7, 2013. Further, because the state court in Missouri did not charge the Defendant with additional offenses, no further action would be taken by the Missouri Board of Probation and Parole. Finally, the supplemental reports states that the Defendant has outstanding warrants in several municipalities in the St. Louis area; has been convicted of failure to appear, and has a history of substance abuse.

Given the fact that the Defendant was ultimately charged by way of indictment filed on February 17, 2011, with the offenses of Counts I and III, felon in possession of a firearm, and Count II, possession of a stolen firearm, and faces a potential penalty of imprisonment of ten years and a fine of not more than \$250,000 years or both on each count, and given all of the Defendant's criminal history stated above, the undersigned concludes that the Defendant is a flight risk and a danger to the community as well, and should be detained.

For all of the above reasons, the undersigned finds that the order of detention previously entered on January 12, 2011, by the Magistrate Judge in Ft. Worth, Texas should not be overruled.

Therefore,

IT IS HEREBY RECOMMENDED that the oral motion of Defendant for bond or in the alternative to reconsider the detention order of January 12, 2011 be **denied**.

/s/ Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE

Dated this 5th day of May, 2011.